

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. 2:24-cv-07275-SB-AJR

Date: September 3, 2024  
Page 1 of 3

Title: Latwahn McElroy v. G. Constantino, et al.

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DOCKET ENTRY: **ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD  
NOT BE TRANSFERRED TO THE NORTHERN DISTRICT OF  
CALIFORNIA**

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PRESENT:

**HONORABLE A. JOEL RICHLIN, UNITED STATES MAGISTRATE JUDGE**

Claudia Garcia-Marquez  
Deputy Clerk

None  
Court Reporter/Recorder

None  
Tape No.

ATTORNEYS PRESENT FOR  
PLAINTIFF:

None Present

ATTORNEYS PRESENT FOR  
DEFENDANT:

None Present

**PROCEEDINGS: (IN CHAMBERS)**

On August 23, 2024, *pro se* Plaintiff Latwahn McElroy (“Plaintiff”), filed a Civil Rights Complaint Pursuant to 42 U.S.C. § 1983 (the “Complaint”). (Dkt. 1.) Plaintiff is currently incarcerated at Salinas Valley State Prison located in Soledad, California. (*Id.* at 15.)<sup>1</sup> Plaintiff seeks relief from alleged constitutional violations which occurred on March 22, 2024, May 8, 2024, July 20, 2024, and are ongoing. (*Id.* at 3.) Plaintiff names as defendants the Reviewing Authority in the Office of Grievances, G. Constantino, and mailroom personnel Does 1 through 5 in the Salinas Valley State Prison mailroom, who include a supervisor and a mail reviewer (all defendants collectively referred to as “Defendants”). (*Id.*) Plaintiff names all Defendants in both their individual and official

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<sup>1</sup> Because the Petition is not consecutively paginated, the Court cites to the CM/ECF pagination on the top of each page.

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capacities. (Id.) Plaintiff describes G. Constantino as being located at Salinas Valley State Prison. (Id.) Plaintiff appears to assert claims for, *inter alia*, violation of the First Amendment based on alleged tampering with legal documents and mail. (Id. at 5.)

The federal venue statute requires that a civil action, other than one based on diversity jurisdiction, be brought only in “(1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of the property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court’s personal jurisdiction with respect to such action.” 28 U.S.C. § 1391(b).

Based on the allegations in the Complaint, none of the Defendants reside in this district. To the contrary, it appears that all of the events that form the basis of Plaintiff’s claims occurred at Salinas Valley State Prison and that all of the Defendants are located at Salinas Valley State Prison. (Dkt. 1 at 3-5.) Plaintiff is also incarcerated at Salinas Valley State Prison. (Id. at 15.) Salinas Valley State Prison is located in Soledad, California, which is located within Monterey County. Monterey County is located within the boundaries of the Northern District of California. See 28 U.S.C. § 84(a). In the interest of justice, a federal court may transfer a complaint filed in the wrong judicial district to the correct judicial district. See 28 U.S.C. § 1406(a); Ravelo Monegro v. Rosa, 211 F.3d 509, 512 (9th Cir. 2000).

It is unclear why Plaintiff filed this action in the Central District of California, but there does not appear to be any basis for venue in this judicial district. By contrast, venue appears to be appropriate in the Northern District of California. Accordingly, Plaintiff is **ORDERED TO SHOW CAUSE** why this action should not be transferred to the Northern District of California. On or before **September 17, 2024**, Plaintiff shall file a response to this Order either agreeing to have this action transferred to the Northern District of California or explaining why venue is appropriate in this judicial district. Plaintiff is warned that if he fails to timely respond to this Order, the Court will transfer the action to the Northern District of California. If Plaintiff no longer wishes to pursue this action, he may voluntarily dismiss the action by filing a Notice of Dismissal in accordance with

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Federal Rule of Civil Procedure 41(a)(1). A form Notice of Dismissal is attached for convenience.

IT IS SO ORDERED.

Attachment:

CV-09, Notice of Dismissal Pursuant to Federal Rules of Civil Procedure 41(a) or (c).